

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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LUKE MATTHEWS; CARLOS GOMEZ;  
GENTL BONDS; ROBERT SMITH;  
and KASIEM CHAVES,

Plaintiffs,

v.

Civ. Action No.  
9:17-CV-503 (GTS/ML)

L. SWEENEY, Clinton Corrections Sergeant;  
MICHAEL GUYNUP; Clinton Corrections  
Lieutenant; CORRECTIONAL EMERGENCY  
RESPONSE TEAM (CERT) OFFICER 44-23;  
CERT OFFICER 44-5; CERT OFFICER 44-4;  
CERT OFFICER 44-3; and CORRECTIONAL  
EMERGENCY RESPONSE TEAM (CERT)  
OFFICER 44-29,

Defendants.

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ORDER

Robert L. Smith, #03-B-0976, plaintiff in the above-entitled action, has been directed to appear at the U.S. Courthouse and Federal Building, 100 South Clinton Street, Syracuse, New York on Wednesday, February 5, 2025 at 8:30 AM (proceeding starts at 9:30 AM) for the purpose of attending an evidentiary hearing relative to the above entitled case. It appears that Robert L. Smith is presently incarcerated at the Attica Correctional Facility located in Wyoming, New York. It is necessary that a

Writ of *Habeas Corpus Ad Testificandum* be issued for the purpose of securing Robert L. Smith's presence at said proceeding. While New York State is required to advance the costs of Smith's transportation, these costs shall be repaid to the state from the monetary award, if any, recovered by Smith at trial.

Accordingly, it is hereby

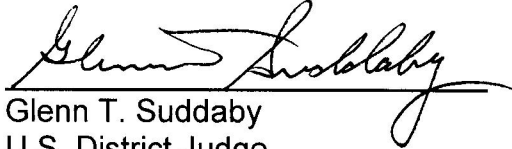
ORDERED, that the clerk of the court issue a Writ of *Habeas Corpus Ad Testificandum* directing the Superintendent of the Attica Correctional Facility to deliver Robert L. Smith to the U.S. Courthouse and Federal Building, 100 South Clinton Stret, Syracuse, New York on **February 5, 2025, by 8:30 AM for an evidentiary hearing starting at 9:30 AM and any recessed date thereafter** (the proceeding is estimated to last one day); and it is further

ORDERED, that Robert L. Smith may be returned to the State Facility upon the completion of the evidentiary hearing and is to remain subject to the confinement imposed upon him by the State of New York; and it is further

ORDERED, that New York State shall advance the cost of Robert L. Smith's transportation, which shall be repaid to the state from the monetary award, if any, recovered by Smith at trial; and it is further

ORDERED, that an electronic certified copy of said Writ be delivered to the New York State Department of Corrections and Community Supervision, as well as the United States Marshal or his authorized deputy, for service upon the named detention facilities stated herein to serve as notice to prepare Robert L. Smith for transport; and it is further

ORDERED, that in the event the action is settled prior to the evidentiary hearing, it shall be incumbent upon defendants or his/her authorized representative to notify the designated institution where Robert L. Smith is housed and cancel such Writ to produce.

  
Glenn T. Suddaby  
U.S. District Judge

Dated: January 15, 2025  
Syracuse, NY